

**Community Self Determination Act: A bill providing for the
creation of a village form of government in Montana
HB 620**

Summary of Proposal

Purpose:

Provide an efficient method for communities to adopt a form of representative government without the cost of incorporation

Rationale:

Numerous communities in Montana have a need for a representative form of community government but incorporation as now defined in state statute is too costly and unnecessary. This bill would allow for a degree of community self determination in matters of land use, level of services desired, and a representative voice for the community without the costly and additional expenses to the property owner for incorporation.

Key Components:

1. The formation of a village must be approved by the electors within the village and the county commissioners
2. Elected village board of three or five members serving 4 year staggered terms
3. Little cost to residents in village
 - a. Maximum of 1 mil of value of property in village to establish
 - b. All subsequent tax for additional services beyond what is provided to the general unincorporated area of the County must be approved by the village board and the electors within the village
4. If an interlocal agreement is put in place, land use proposals would need to receive positive recommendation from village board to proceed to county planning board
5. Ability to contract for desired increased level of service, (law enforcement, fire, ambulance, planning, street or road improvements, etc) subject to County Commissioner approval, village board approval and the approval of the electors within the village

Benefits:

1. It provides a compromise between an incorporated city which has higher property taxes and controls versus an unincorporated area within the county which has no control except on Election Day.
2. It provides some controls to a community or village so that it has stewardship over its own destiny for less than \$5 per year in a property tax increase. A land owner in a typical average city or town in MT has approximately a 20% higher property tax bill versus a landowner in an unincorporated area of a county. It is no surprise that there has not been a new city formed in MT in over the last 20 years – Colstrip, Fort Peck and Pinesdale were the last.
3. It is particularly beneficial to high growth areas so that they may direct growth as they see fit. This bill does not favor smart growth, stupid growth or no growth groups. It leaves growth decisions up to a local elected village board.
4. It may also be beneficial to cities that have stagnant or declining population and rising city expenses. They may wish to unincorporate and yet still maintain some control.
5. Any increase in property taxes is strictly user based. No tax consequence to property owners outside of a village boundary.
6. It provides some local controls for the majority voters within a village.

Objections:

1. Increases property taxes -- response: No increase in property taxes unless the voters within the village boundary vote for increased county services. Property owners outside of the village have no tax increase.
2. Formation of a village and administrative expenses too costly -- response: There is a maximum of 1 mill allocated for this, which translates to less than \$5 per year for the average property owner in Bigfork.
3. Urban county planners may be reluctant to have a local village board have veto power over planning & zoning applications – response: Local residents from which the elected village board is

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comprised should know what is best for their local community versus someone who is not from the local area.

4. We don't need any more laws and rules just use the currently provided MT statutes for incorporation – response: To incorporate an area like Bigfork would cost the property owner an increase of 27% in property taxes. To form and administer a village would cost the property owner of the village less than \$5 per year. Per current MT statute a city or town must have a minimum population of 500 per square mile to form. In a high growth area like Bigfork you do not have that population density in the growing section only in the established section do you have the population density that would qualify to incorporate.

5. It infringes on my personal property rights – response: It infringes no more nor no less than what is allowed under current zoning regulations and neighborhood plans which protect the majority of property owners. Who better understands the implementation of zoning and neighborhood plans for a local area than elected locals?

6. It provides just one more layer of bureaucracy that we don't need – response: It may be one additional layer for an unincorporated area however it gives a local community a louder voice in county government. The benefits listed above out way any negatives.

EXHIBIT 21
DATE 2-19-2009
HB HB 620

Joe Brenneman

From: Gregg Schoh [gs@montanaland.com]
Sent: Wednesday, January 28, 2009 12:43 PM
To: Dale Lauman; gbarkus@dadco.com; senatorjohn@bresnan.net; sonjmt@yahoo.com; 'Mark Blasdel'; 'Verdell Jackson'; Joe Brenneman; Jim Dupont
Cc: klynch@flatheadbeacon.com; Jacob Doran; Andrew Hageemeier; 'Brent & Barbara Hall'; 'Jacob Doran'; 'Janet Heinze'; 'John & Rita Ulrich'; 'Keith & Charlotte Brown'; Mary Sevier; 'Mike Richeson'; 'Rex Boller'
Subject: Village Bill LC0118
Attachments: LC0118.pdf

January 28, 2009

RE: Village Bill LC0118

To Whom It May Concern:

At its monthly scheduled meeting held on January 27, 2009, the Lakeside Community Council passed a motion to endorse the "Village Bill" LC0118. The council wholeheartedly supports the concept of providing a mechanism in which communities can be afforded more control in local government. Please consider supporting this legislation.

Thank you.

Gregg Schoh, Chairperson
Lakeside Community Council
council@montanaland.com

2/19/2009

Joe Brenneman

From: susan hanson [btrfly@montanasky.net]
Sent: Saturday, February 07, 2009 10:01 AM
To: Bill Beck; Bruce Tutvedt; Cheryl Steenson; Greg Barkus; Joe Brenneman; John Brueggeman; Jon Sonju; Keith Regier; Mark Blasdel; Mike Jopek; Ryan Zinke; Scott Reichner; Verdel Jackson; Al Johnson; Charles Gough; Darrel Coverdell; gary ridderhoff; John Bourquin; Paul guerrant; Shelley Gonzales; Bruce Solberg; Craig Wagner; Don Loranger; Elna Darrow; Patricia Wagner; Paul Rana
Subject: LC 0118
Attachments: Community Self Determination Act - revised 1-27-09.doc

To Montana Legislators:

There must be a choice between incorporation and nothing. LC 0118 provides an efficient method for communities if they wish to adopt a form of representative government without the high cost of incorporation. It is no surprise that there has not been a new city formed in MT in over the last 20 years – Colstrip, Fort Peck and Pinesdale were the last.

What LC 0118 can accomplish:

- In a county the size of Flathead, law enforcement, emergency services and road maintenance are stretched to the limit. If a community (Village) votes to pay for better services, their tax dollars stay in the community, and provides local jobs. For less than \$5 per year, communities can determine their own destiny. No tax consequence to property owners outside of a village boundary.
- To form and administer a village would cost the property owner of the Village less than \$5 per year. To incorporate an area like Bigfork would cost the property owner an increase of 27% in property taxes.
- Local residents, from which the elected Village Board is comprised, should know what is best for their local community versus someone who is not from the local area. Local control translates to local responsibility and accountability.
- In high growth areas such as Bigfork, Lakeside/Somers, West Valley, and Evergreen, land use decisions are being made by appointees unfamiliar with the area and the impacts created by rapid growth. LC 0118 provides veto power to the local elected village board on planning & zoning applications.
- Property Rights? It infringes no more nor no less than what is allowed under current zoning regulations and neighborhood plans which protect the majority of property owners.

Our Legislators, who seem far removed from the daily life of small communities, control our destiny. Give small communities the opportunity and choice to feel a part of governmental control. Support LC 0118. You are invited to call or email your concerns: Joe Brenneman (Flathead County Commissioner-758-5508 jbbrenneman@flathead.mt.gov), John Bourquin (Bigfork Land Use Advisory Committee- 837-0669 jbourquin@centurytel.net), or Shelley Gonzales (Chair of Bigfork Land Use Advisory Committee- 837-5346 chuygonz@centurytel.net <<mailto:chuygonz@centurytel.net>>).

For additional information please refer to the attached summary, benefits, and objections. You may also visit on line the complete text of LC 0118. <http://data.opi.mt.gov/bills/2009/1html/LC0118.htm>
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Thank you in advance for your support.

Bigfork Land Use Advisory Committee

Shelley Gonzales, Chairman
 Paul Guerrant, Vice-Chairman
 John Bourquin
 Darrel Coverdell
 Charles Gough
 Al Johnson
 Gary Ridderhoff
 Sue Hanson, Secretary

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EXHIBIT 21
 DATE 2-19-2009
 HB FLB 620

Joe Brenneman

From: Barb Miller [beach2mnts@bresnan.net]
Sent: Friday, February 13, 2009 5:22 PM
To: Dale Lauman; gbarkus@dadco.com; senatorjohn@bresnan.net; sonjmt@yahoo.com; 'Mark Blasdel'; 'Verdell Jackson'; Joe Brenneman; Jim Dupont; Gregg Schoh (gs@montanaland.com)
Cc: klynch@flatheadbeacon.com; Jacob Doran (jacobsquill@yahoo.com); Andrew Hagemeyer; 'Brent & Barbara Hall'; 'Janet Heinze'; 'John & Rita Ulrich'; 'Keith & Charlotte Brown'; Mary Sevier; 'Mike Richeson'; 'Rex Boller'
Subject: Support for Village Bill LC0118
Attachments: Village Bill Support 02-13-2009.doc

Ladies and Gentlemen:

I am writing to voice my support for Bill LC0118.

I am currently serving on the Lakeside Neighborhood Plan Committee, which is charged with revising the 1994 Neighborhood Plan to be in compliance with the 2007 Flathead County Growth Policy. As part of our process, we conducted a community survey in 2007, sending surveys to over 2,000 Lakeside residents and non-resident property owners, with a 31.7% return. Responses to the survey provide strong support for the need for unincorporated communities to have more say and influence over their destiny. A sampling of these survey results are enclosed. I hope in reviewing and making any revisions to this Bill, you will consider these results, which highlight land use, growth and development as one area where the Lakeside community would like more influence.

I believe that this bill will provide opportunities for more community involvement and influence, not only in land use and planning but in other areas that the Lakeside community has identified as important to them. Thank you for your consideration.

Barb Miller

-----Original Message-----

From: Gregg Schoh
Date: 1/28/2009 12:43:00 PM
To: 'Dale Lauman'; gbarkus@dadco.com; senatorjohn@bresnan.net; sonjmt@yahoo.com; 'Mark Blasdel'; 'Verdell Jackson'; Joe Brenneman; Jim Dupont
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At its monthly scheduled meeting held on January 27, 2009, the Lakeside Community Council

2/19/2009

Village Bill: LC 0118 "Community Self Determination Act"

The Lakeside Neighborhood Plan Committee was authorized and formed by the Lakeside Community Council in the fall of 2007 to review the previously adopted 1994 Neighborhood Plan and to revise the 1994 Plan to be in compliance with the Flathead County Growth Plan, which was adopted by the County in 2007. The Neighborhood Plan Committee has been working for over a year now, and has collected input from the community via a Community Survey, several public presentations, several public workshops, and dozens of Committee work sessions open to the public.

Some survey results and community input are pertinent to consideration of LC 0118. The survey was mailed to 2053 P.O. Boxes, mail delivery route boxes, and absentee property owners. The final return rate was 31.7% - a significant return rate that speaks to the interest of property owners and residents in their community. Full community survey results can be viewed on the Neighborhood Plan Committees Website on the Community Input – Survey page:

http://lakesideplan2008.com/Community_Survey.html

Specific results related to the community's desire for more influence in planning, developing, and zoning are presented below.

The top 10 features of Lakeside, identified in the survey and incorporated into the Community Vision Statement are:

1. Safety and Security
2. Lake Access and Quality
3. Traffic and Road Patterns, Use and Safety
4. Small Town Atmosphere
5. Family Oriented Community
6. Bike and Walk Paths
7. Views
8. Appearance of Commercial & Residential Buildings
9. Nature and Wildlife
10. Availability of Recreational Activity
11. Open Spaces and Parks
12. Your [the respondent's] Neighborhood

Development of the revised Neighborhood Plan is still in process; the statement below is the proposed Community Vision Statement:

The Community of Lakeside seeks to be a safe, multi-generational, family-oriented community that has ample lake access and open spaces & parks, environmental quality (including and especially protection of water quality),

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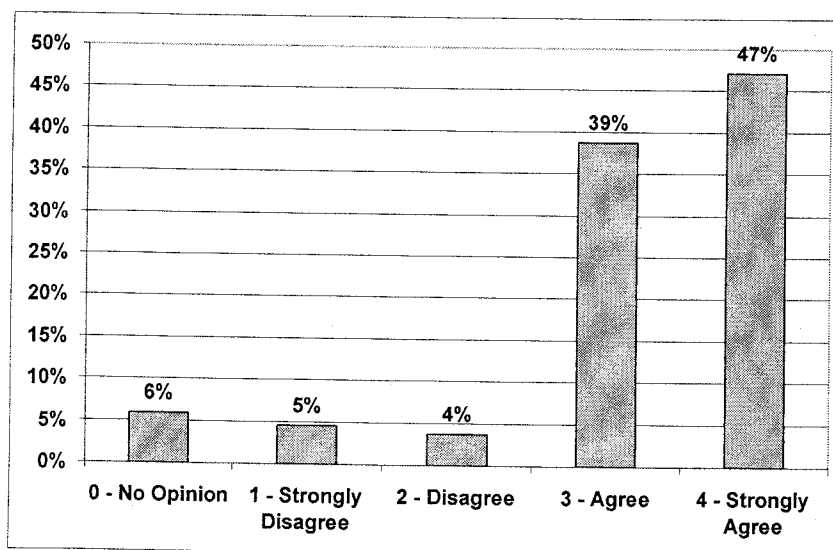
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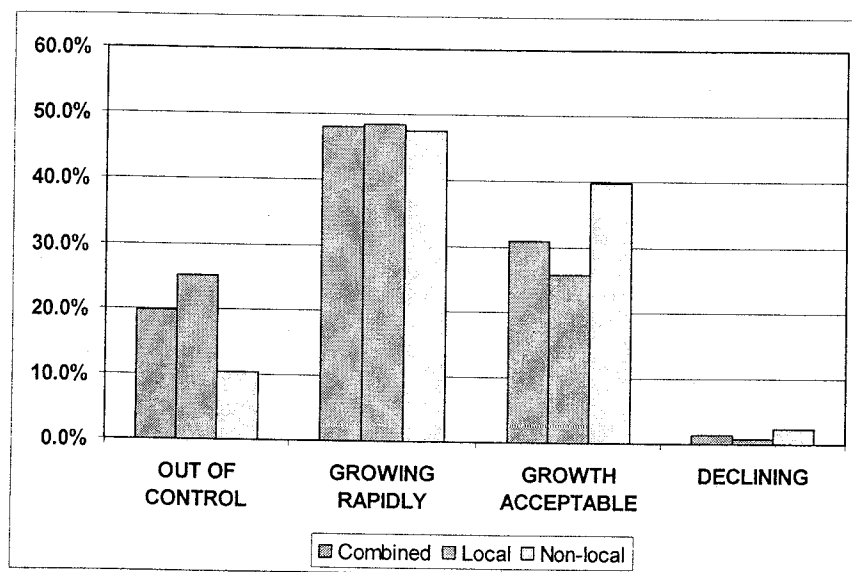
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The Community of Lakeside seeks to be a safe, multi-generational, family-oriented community that has ample lake access and open spaces & parks, environmental quality (including and especially protection of water quality),

scenic views, attractive and well maintained homes and businesses, recreational opportunities, and an interconnected transportation network that provides for safe pedestrian and bicycle travel as well as alternatives to Highway 93. Lakeside seeks to retain its small town atmosphere while allowing for inevitable growth and respecting property rights, and also seeks to have greater opportunities for community involvement and a greater role in decisions that affect its future.



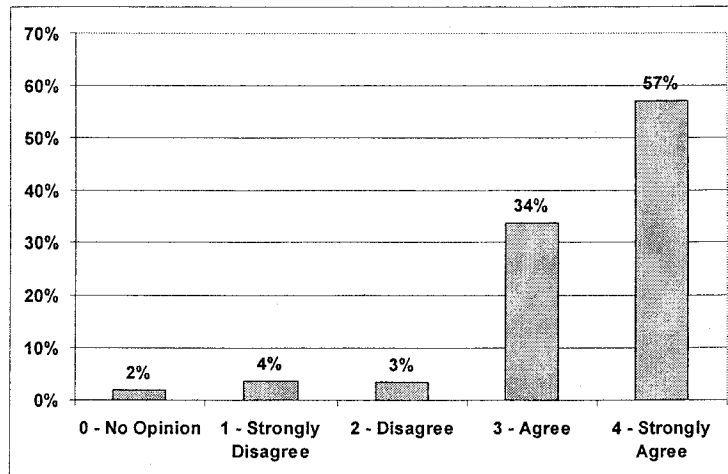
When asked if the Lakeside Community Council was needed, 80% of respondents agreed, while only 9% disagreed. A significant number of respondents added comments reflecting the need for the Council (and thus the Community) to have “more clout” and “more influence in decisions that affect the community”.



When asked about the growth rate in the Lakeside Community, almost 70% of respondents thought the growth rate is rapid or out of control, and about 30% thought the growth rate acceptable while only a few respondents thought the growth rate is declining.

The aspect of having more control or influence over land use, planning, and development within the Community was of high importance to the respondents.

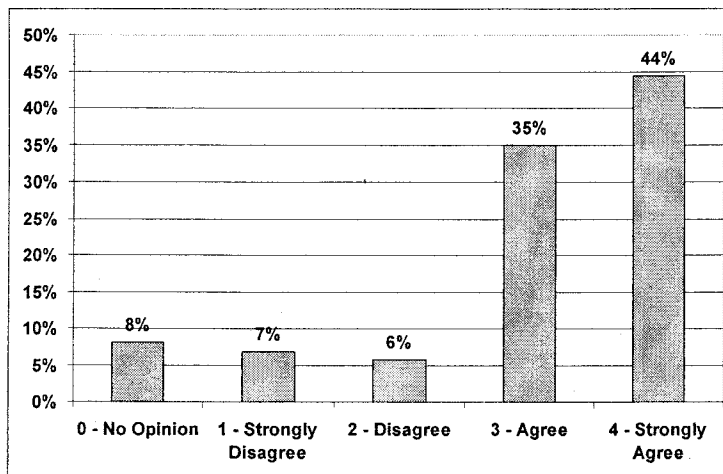
PLANNING



When asked if Neighborhood Planning was needed, 91% agreed while only 7% disagreed. Many respondents commented that they wanted no more big condos with walls that block both views and access to the Lake – a prime feature of the community. – especially when neither the community nor the Community Council supported the development in the first place, but it was approved and constructed

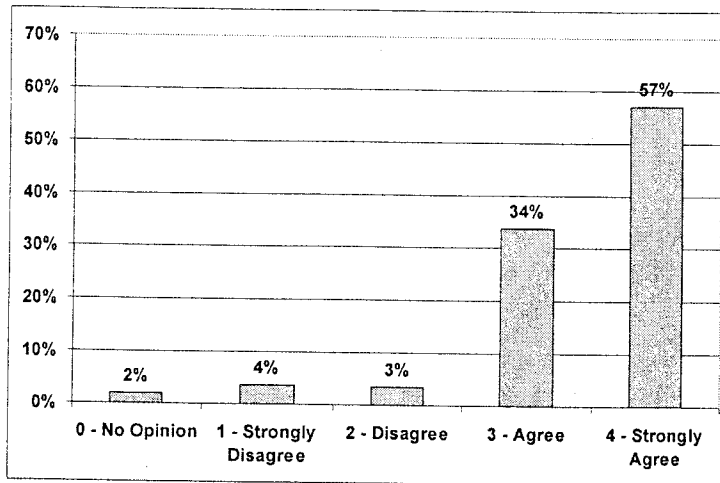
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ZONING



When asked if zoning should be considered as an implementation strategy in the revised Neighborhood Plan, 79% agreed, while only 13% disagreed.

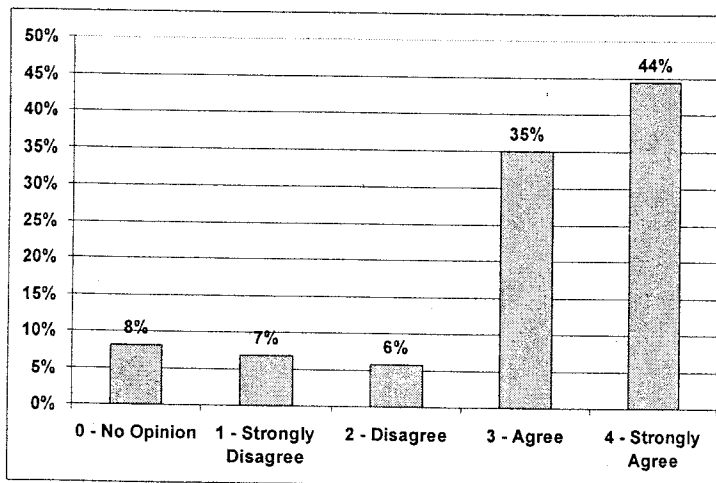
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